

Bountiful City
Administrative Committee Minutes
May 4, 2009
5:00 P.M.

Present: Chairman, Aric Jensen; Assistant City Engineer, Lloyd Cheney; Committee Member, John “Marc” Knight; Assistant Planner Dustin Wright; Assistant Planner Doug Howard and Recording Secretary Cindy Gruendell.

1. Chairman Jensen opened the meeting at 5:02 p.m. and introduced everyone present.
2. Approval of minutes for April 27, 2009.

Mr. Wright noted one typing correction on the last page of the minutes.

Mr. Knight made a motion to approve the minutes for April 27, 2009 as amended. Mr. Cheney seconded the motion. Motion passed 2 – 0 with Mr. Jensen abstaining as he was not present at that meeting.

3. **Public Hearing** – Consider granting a Conditional Use Permit for a Home Occupation Business License for a preschool to have up to 12 children per session at 404 South 100 West, applicant Heather Traeden, Tiny Footsteps Preschool.

The applicant, Heather Traeden was present. Mr. Howard presented the staff report.

The applicant’s home is in an RM-19, Residential Multi-Family zone, but this house is a single family zone. According to the utility records, this home is only one unit. She has only one session a day; MWF from 9 a.m. to 12 p.m., TH from 9:30 a.m. to 11:30 a.m. The preschool has an entrance from the back of the house and has one dedicated room. The parents park on the road and walk their children to the school.

When we posted the Conditional Use Permit Sign at the property, it was noticed that the home used to have a driveway in the front of the house. That driveway has been removed and landscaped, and a fence has been installed blocking the use of the old approach. There is an asphalt pad in the back yard. There is a grate in the curb to help mount the sidewalk. No legal usable driveway exists on the property. This house is on a corner lot. The asphalt has been placed within the required 20 foot side yard setback and an unapproved driveway has been installed.

Upon review of Heather Traeden's application, staff finds that the applicant complies with requirements in the City Code concerning a home occupational business. Staff does not find the applicant in compliance with City Code concerning drive approaches and setbacks. Without code compliance, staff cannot recommend granting the conditional use permit unless the following conditions are met:

1. The applicant shall take the appropriate measures to have a legal drive approach.
2. The applicant must restore landscaping of the required side yard setback of twenty (20) feet, as per Bountiful City Code. (14-4-105)
3. The applicant shall keep a current Bountiful City Home Business license.
4. The applicant shall continue to comply with all the conditions listed concerning a Conditional use Permit in the Bountiful City Code. (14-2-506)
5. The applicant shall meet all the criteria for a Home Occupation Business License found in the Bountiful City Code. (14-17-105)
6. The applicant shall meet all the criteria for group instruction found in the Bountiful City Code. (14-17-106)
7. The applicant shall comply with all Bountiful City sign regulations for residential zones.
8. This Conditional Use Permit is just for this individual at this site and is not transferable.
9. Failure of the applicant to abide by any condition imposed may result in revocation of the permit and the cessation of the use requested and granted, or a lawsuit may be filed to compel compliance with these conditions.

Mr. Howard handed out an aerial photo with a recommendation of how the application can come into compliance with the drive approach and setback ordinances.

The public hearing was opened and closed; no comments were made as there were no public present for this item.

Mr. Jensen – how long the Mrs. Traeden has owned the property and what was the history of the changes to the landscaping.

Mrs. Traeden – they have owned the property since late 2002. When they purchased the property was a wreck. They re-landscaped everything and were actually already on planning to redo the driveway this summer. They are replacing the roof and are putting on a deck. These were the last few big things that needed to be done, they have redone the inside, plumbing, wiring and the basement.

Mr. Knight – so you took out the original driveway.

Mrs. Traeden – yes we did, the driveway was not very feasible for the home and split up the yard into unusable space.

Mr. Knight – did you also put in the asphalt pad in.

Mrs. Traeden – we did and we were just getting ready to do something with it for the summer. In the mean time we had this space, it was not usable at the time, it was mostly rock and dead plants. They had a landscape architect look at it and decide that was the best place for the drive area. We were getting to that this summer. On the handout, is the red part where I need to restore landscaping and what does that mean?

Mr. Howard – it would all depend on where you put your drive approach. If you put the drive approach where the grate is in the gutter, then I would recommend the red area as your landscaped area.

Mr. Cheney – we need to talk about the drive approach width. The ordinance is written you can have your drive approach as close as 5 ft to the property line. Your maximum drive approach is 30 ft. With the sidewalk being against the curb and gutter you have a Type “B” approach. The minimum width it can be 12 ft. It all depends on where you want the drive way to be, next to your house or further away.

Mrs. Traeden – do I have to take out the asphalt or can put flower pots.

Mr. Jensen – it has to be able to absorb water. The purpose of it so that we don’t have it running into our storm drain system.

Mr. Knight – or onto the neighbors property.

Mr. Jensen – whatever is not in the 30 ft wide driveway, going back 20 ft will need to be restored to landscaping.

Mr. Knight – with whatever you decide to do, you might want to run it past the City before you begin.

Mr. Cheney – who ever builds the approach needs to get an Excavation Permit and they need to be bonded with the City to do work in the Public-Right-of-Way. We have a list of bonded contactors available.

Mr. Knight – asked the applicant if he understand the provisions of what constitutes an Accessory-in-Law Apartment? This is non-transferable and the unit is only to be used for a relative.

Mr. Traeden – I have a question about the sidewalks, the roots from the trees that used to be there have pushed up the sidewalk and are not very safe. Some of the neighbors have had their sanded down, but our side has not been done.

Mr. Cheney – if there were trees in there and the trees raised them up more than inch it is

cheaper to replace the sidewalk to do the grinding. The trees have to be removed by the resident before the City will fix the sidewalk.

Mrs. Traeden – the trees have been gone for a long time.

Mr. Cheney – the City does have a program where we split the cost with the homeowners, 50/ 50 program, to replace the curb, gutter and sidewalk.

Mr. Knight – I don't have a problem acting on the Conditional Use Permit, with a condition about the drive approach.

Mr. Jensen – if the Committee desires to approve the Conditional Use Permit, that we put in a condition that within an "X" amount time the driveway and approach be completed.

Mr. Knight – I am OK with that.

Mr. Cheney – I am OK with that, how soon are you expecting to startup the preschool operation?

Mrs. Traeden – It is already in operation, we were planning on waiting until preschool was out and then starting the big project for the summer.

Mr. Howard – she is currently licensed to have 8 children at the preschool and has requested an increase to have 12 children.

Mrs. Traeden – we could have the improvements done by September 1, 2009.

Mr. Jensen, Mr. Knight and Mr. Cheney – we are OK with that date.

Mr. Cheney – in the staff report code 14-17-106, section D is missing.

Mr. Howard – section pertained to just daycare residential facilities.

Mr. Cheney – is the code that referred to having a fenced and secured yard?

Mr. Howard – yes.

Mr. Cheney – we cannot have a 6ft fence in the frontyard, 100 West appears to be the frontyard?

Mr. Jensen – on a corner lot we have been very flexible and letting them chose which one they want to use as the front yard as long as they completely have the other one in the

reduced fence height, we are OK with the applicants fence. There are no clear view issues with the fence.

Mr. Cheney made a motion to approve the Conditional Use Permit for a Home Occupation Business License for a preschool to have up to 12 children at 404 South 100 West, with the conditions outlined by staff and a deadline of September 1, 2009 to remedy the drive approach. Mr. Knight seconded the motion. Voting was unanimous in favor.

4. Consider approval of a Conditional Use Permit letter for an Accessory-In-Law Apartment at 196 West 2900 South, application Don Milne.

Mr. Jensen – I was not present for this item last week. John and Lloyd, does this look like what you talked about last week?

Mr. Knight – looks right.

Mr. Cheney – looks good to me.

Mr. Knight made a motion to approve the Conditional Use Permit letter as prepared by staff as written. Mr. Cheney seconded the motion. Voting passed 2 to 1, with Mr. Jensen abstaining as he was not present at the meeting.

There were no other items and the meeting adjourned at 5:25 p.m.